

EXHIBIT 1

GARY BINKLEY

V.

FORD MOTOR COMPANY

The Corporation Company

Clayton, MO 63105

Defendant

Case No:

JURY TRIAL DEMANDED

INTRODUCTION

Case 4:20-cv-00804-DGK Document 1-1 Filed 10/06/20 Page 2 of 28

Missouri Constitution in that it arbitrarily and capriciously creates different classes of people based on the number of persons employed by their employer; as applied to this case it would mean that Plaintiff's damages for emotional distress, humiliation, frustration, and future economic loss are, as a matter of law, worth less than for a person who works for a larger employer, and there is no rational basis for the legislature to classify employees in such a manner; moreover, Defendant's liability for punitive damages would be decided based on the number of its employees instead of the reprehensibility of its conduct and its financial condition and there is no rational basis for the limitations of such damages based on the number of persons employed by Defendant.

PARTIES

6. **Plaintiff Gary Binkley** is an adult male resident and citizen of Missouri.
7. Plaintiff was employed by FORD as a Millwright for the last 30 years.
8. Plaintiff is a "person" as defined by RSMo. § 213.010(15).
9. Based upon information and belief, FORD has its principle place of business in Michigan.
10. **Defendant FORD** (hereinafter "Defendant" of "FORD") is an automobile company that owns and operates a factory in Clay County, Missouri.
11. Throughout Plaintiff's employment with Defendant, Defendant was a Corporation.
12. Defendant was incorporated under the laws of Michigan and is registered and permitted to do business in Missouri.
13. Based upon information and belief, Defendant FORD's principal place of business is located at 1 American Road, Dearborn Michigan, 48126.

14. Throughout Plaintiff's employment with Defendant, Defendant was a "person" as defined by RSMo. § 213.010(15).

15. Throughout Plaintiff's employment with Defendant, Defendant employed six or more persons in Missouri.

16. Throughout Plaintiff's employment with Defendant, Defendant was an "employer" as defined by RSMo. 213.010(8).

17. Defendant conducts ongoing and substantial business in Missouri.

18. Defendant employs Plaintiff to perform job duties in Missouri.

19. Defendant is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.

SUBJECT MATTER JURISDICTION AND VENUE

20. This Court has general original jurisdiction over this case pursuant to article V, section 14 of the Missouri Constitution because this is a civil case.

21. Pursuant to RSMo. § 213.111.1, venue is proper in this Court because the unlawful discriminatory acts alleged occurred in Clay County, Missouri.

FACTUAL ALLEGATIONS

22. Plaintiff has been an employee of Defendant for 30 years.

23. Defendant hired Plaintiff as a Millwright.

24. Specifically, at all relevant times, Plaintiff has been employed as a PM Truck clerk for Defendant for the last six years.

25. Plaintiff was a PM Truck Clerk at Defendant's Kansas City Assembly Plant.

26. The Kansas City Assembly Plant is located at 8121 US-69, Claycomo, MO 64119.

27. Plaintiff was an outstanding worker for Defendant and is one of the most senior and qualified employees for Defendant at the Kansas City Assembly Plant.

28. Throughout his employment, Plaintiff would regularly work excessive amounts overtime for Defendant.

29. On May 28, 2018, Plaintiff suffered a stroke.

30. On or about December 2, 2018, Plaintiff provided FORD with a doctor's note from his personal Physician, which cleared him of all medical restrictions.

31. On or about December 14, 2018 Plaintiff was cleared by Defendant's Nursing Department to return to work.

32. After meeting with the Nursing Department, Plaintiff met with the Plant physician in order to return to work.

33. The Plant Physician denied Plaintiff to return to work, despite Plaintiff having no restrictions from his personal doctor.

34. In the evaluation, the Plant Physician told Plaintiff that he should retire.

35. Defendant did not offer any reasonable accommodations to Plaintiff.

36. Throughout 2019, Plaintiff applied for multiple jobs at Defendant for which he was qualified.

37. Plaintiff was not contacted or interviewed for any of these positions for which he applied.

38. On or about May 31, 2019, Plaintiff provided two additional letters of full medical clearance to Defendant from his own physicians, permitting him to return to work with no restrictions.

39. Plaintiff again returned to FORD in order to return to work.

40. Plaintiff was again cleared by FORD'S nursing department.

41. Plaintiff was not evaluated or examined by the Plant Physician on that day, yet Plaintiff was still denied the ability to return to work by Defendant.

42. The Plant Physician then called and berated Plaintiff's personal physicians in order to make them change their letters of clearance.

43. Once again, Defendant failed to allow Plaintiff to return to work, and failed to provide him with any reasonable accommodations.

44. As of the date of the filing of this petition, Plaintiff has not been allowed to return to work by Defendant, and Defendant has not provided Plaintiff with any options of reasonable accommodations.

45. Because of Plaintiff's stroke, Defendant has denied Plaintiff the ability to return to work, and has discriminated against Plaintiff based upon his stroke and his disability/perceived disability.

ADMINISTRATIVE PROCEDURES

46. On June 4, 2019, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Defendant. The Charge was assigned #E-06119 51082. A copy of the Charge is attached hereto as **Exhibit A** and is incorporated herein by reference.

47. On July 13, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice, allowing his to file a lawsuit regarding the allegations made in Charge #E-06119-51082. A copy of the notice is attached hereto as **Exhibit B** and incorporated herein by reference.

48. This Petition has been filed within 90 days of July 13, 2020.

COUNT I
Disability Discrimination
Pursuant to the MHRA, R.S.Mo. § 213.010, et seq.

49. Plaintiff incorporates by reference every other paragraph of this Petition as if fully set forth herein.

50. The conduct and actions of Defendant constitute improper and discriminatory behavior.

51. Plaintiff's disability was a contributing factor in the discriminatory and harassing conduct he suffered and experienced.

52. Defendant has failed to reasonably accommodate Plaintiff's disability.

53. Defendant's discriminatory conduct has included but is not limited to, Defendant's failure to provide reasonable accommodations for Plaintiff's disability and treating Plaintiff less favorably, negatively, cruelly, and with hostility because of his disability.

54. Plaintiff's terms, conditions, and privileges of employment have been adversely affected.

55. Defendant's conduct described herein further unnecessarily and unreasonably interfered with Plaintiff's ability to perform his job.

56. Defendants have applied a system wherein different terms, conditions, and privileges of employment are used as a design and intention to discriminate on the basis of disability.

57. Defendant's conduct has caused Plaintiff degradation, humiliation, anxiety, and emotional distress.

58. The conduct described herein would have detrimentally affected a reasonable person in Plaintiff's position.

59. Management-level employees perpetuated the discrimination based on Plaintiff's status as a disabled individual, including refusing to reasonably accommodate Plaintiff's disability and generally treating Plaintiff less favorably because of his disability.

60. In addition, management-level employees knew or should have known of the discrimination based on Plaintiff's disability but failed to address the problem and further failed to implement effective and appropriate procedures to stop the discrimination and harassment.

61. The actions and conduct set further herein were outrageous and showed an evil motive or reckless indifference or conscious disregard for the rights of Plaintiff, and therefore Plaintiff is entitled to punitive damages from Defendant to punish Defendant and to deter Defendant and others from like conduct.

WHEREFORE, Plaintiff prays for judgment in his favor and against Defendant on Count I of his Petition, for a finding that he has been subjected to unlawful discrimination as prohibited by RSMo. § 213.010, *et al.*; for an award of compensatory and punitive damages, for costs expended, reasonable attorneys' fees, and such other and further relief as this Court deems just, proper, and equitable.

COUNT II
Retaliation
Missouri Human Rights Act; RSMo. § 213.070(2)

62. Plaintiff incorporates by reference every other paragraph of this Petition as if fully set forth herein.

63. Plaintiff engaged in protected activity by opposing what he reasonably in good faith believed to be discrimination and/or retaliation by:

- a. Complaining about discrimination based upon disability and perceived disability;
- b. Filing a Charge of Discrimination with the MCHR;
- c. Requesting that management take action to return him to work;
- d. Providing medical releases from his physicians;

64. Defendant retaliated against Plaintiff by:

- a. Continuing to deny him the ability to work;
- b. Calling Plaintiff's treating doctors and convincing them to change their evaluations;
- c. Denying Plaintiff the ability to return to his position at Defendant;
- d. Failing to evaluate Plaintiff's ability to work;
- e. Denying Plaintiff an interview for the jobs he applied for;
- f. Failing to reach out and respond to plaintiff in regards to the jobs he applied for;

65. The retaliation was done because of Plaintiff's protected activities.

66. Plaintiff's protected activities were the motivating factors in the retaliation.

67. The retaliation caused Plaintiff damage, including lost wages, emotional distress, frustration, humiliation, and deprived Plaintiff of his civil rights under Missouri law.

68. Defendant's conduct set forth herein demonstrates a reckless indifference or conscious disregard for the rights of Plaintiff and others. Therefore, Defendant is liable for punitive damages in an amount the jury determines is fair and reasonable in order to punish Defendant and deter Defendant and others from repeating this conduct in the future.

WHEREFORE, Plaintiff prays for judgment against Defendant on Count II of his Petition, for a for a Judgment finding Defendant retaliated against Plaintiff in violation of RSMo. § 213.070 and awarding Plaintiff nominal or actual damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court may grant to remedy Defendant's violations of the MHRA.

JURY TRIAL DEMANDED.

The Tourigny Law Firm, LLC

/s/ Greg N. Tourigny

Greg N. Tourigny MO # 71210
4600 Madison Ave. Suite 810.
Kansas City MO
(816) 945-2861
greg@tourignylaw.com

and

Sophie Woodworth, MO #49383
Holman Schiavone, LLC
4600 Madison Avenue, Suite 810
Kansas City, Missouri 64112
Phone: 816.283.8738
Fax: 816.283.8739
swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF



IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI


Judge or Division: SHANE TERRIL ALEXANDER	Case Number: 20CY-CV06919
Plaintiff/Petitioner: GARY BINKLEY	Plaintiff's/Petitioner's Attorney/Address GREG NORMAN TOURIGNY 4600 MADISON AVENUE SUITE 810 KANSAS CITY, MO 64112
Defendant/Respondent: FORD MOTOR COMPANY INC	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case


The State of Missouri to: FORD MOTOR COMPANY INC
Alias:
R/A THE CORPORATION COMPANY
120 S. CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF


CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/28/2020
Date


Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
Date Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

v.

FORD MOTOR COMPANY

Defendant

)
)
)
)
)
)
)

Case No: 20CY-CV06919

ORDER GRANTING PLAINTIFF'S APPLICATION FOR CHANGE OF JUDGE

NOW ON THIS _____ day of _____, 2020, the Court takes up Plaintiff's Application for Change of Judge, filed August 31, 2020. The Motion is GRANTED. This case is hereby transferred to the Presiding Judge for reassignment.

IT IS SO ORDERED.

DATE

Hon. Shane T. Alexander, Circuit Court Judge

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

v.

FORD MOTOR COMPANY

Defendant

)
)
)
)
)
)
)

Case No: 20CY-CV06919

APPLICATION FOR CHANGE OF JUDGE

COMES NOW, Plaintiff Gary Binkley, by and through his counsel, and pursuant to Rule 51.05 applies for a change of Judge from The Honorable Shane T. Alexander, Division 1 of the Circuit Court of Clay County. This application is made within sixty (60) days of service of process on Defendants and within thirty (30) days from the designation of the trial judge and is therefore timely.

Dated this 31st day of August, 2020.

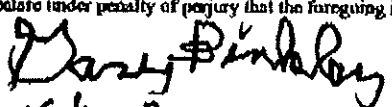
The Tourigny Law Firm, LLC

/s/ Greg N. Tourigny
Greg N. Tourigny MO # 71210
4600 Madison Ave. Suite 810.
Kansas City MO
(816) 945-2861
greg@tourignylaw.com

and

Sophie Woodworth, MO #49383
Holman Schiavone, LLC
4600 Madison Avenue, Suite 810
Kansas City, Missouri 64112
Phone: 816.283.8738
Fax: 816.283.8739
swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.</small>		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER E-06/19-51082 28E-2019-01149C
Missouri Commission on Human Rights		EEOC	
NAME (Indicate Mr., Ms., Mrs.) Gary Binkley		HOME TELEPHONE (Include Area Code) 913 - 961 - 7220	
STREET ADDRESS 7149 NE Antioch Rd.		CITY, STATE AND ZIP CODE Gladstone, MO. 64119	DATE OF BIRTH 03/04/1946
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)			
NAME Ford Motor Corp.	NUMBER OF EMPLOYEES, MEMBERS 500+	TELEPHONE (Include Area Code) 816 843-4480	
STREET ADDRESS Kansas City Assembly Plant	CITY, STATE AND ZIP CODE Claycomo, MO 64119	COUNTY Clay	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/FEPA) LATEST (ALL)	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> Other		December 1, 2018 May 31, 2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
PARTICULARS: I am a 74 year old male, and I have been an employee at Ford Motor Co. for 34 years as a Millwright. In May of 2018, I suffered a stroke. In September 2018, I was cleared for Duty by my personal physician. In November 2018, I was cleared for work with no restrictions from my personal physician. In December 2018, the nursing department at Ford also cleared me to work. However, Ford's Doctor refused to clear me for work, and told me that I should instead retire. Instead of returning to work, I have been forced to go on short-term disability until May 28, 2019. During this time, I applied for a position in which I was well qualified for. I received no consideration or return communication for the position, which was against Ford's policies. Before my short-term disability ended, I sent a formal letter to my employer stating my intention to return to work, and complaining of discrimination based upon disability / perceived disability and age, for their failure to allow me back to work, and failure to consider me for open positions which I was qualified for. Once my short-term disability ended, I returned to Ford with two letters of full medical clearance. One letter from my neurologist and one letter from the other doctor who is overseeing my physical therapy. However, once again I was not allowed to return to work, because Ford's doctor failed to clear me. I have been discriminated against based upon my age and disability / perceived disability, and I have retaliated against for engaging in protected activity in violation of the Missouri Human Rights Act.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.  Date 6-4-19 Charging Party (Signature)		SIGNATURE OF COMPLAINANT FILED SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) JUN 04 2019	

MO Commission on Human Rights
Jefferson City Office



MICHAEL L. PARSON
GOVERNOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

ANNA S. HUI
DEPARTMENT DIRECTOR

MARTHA STAGGS
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

July 14, 2020

Gary Blakley
7149 NE Antioch Rd.
Gladstone, MO 64119

RE: Blakley vs. Ford Motor Corp.
E-6/19-51082 28E-2019-01149

NO RIGHT TO SUE on all Age Allegations - BECAUSE OF LACK OF JURISDICTION

The MCHR has determined that it lacks jurisdiction over these allegations because you are 70 or older and therefore outside of the protected age group under the Missouri Human Rights Act. Therefore, MCHR is administratively closing this case with regard to these allegations as well and terminating all MCHR proceedings relating to these allegations.

RIGHT TO SUE – on all other Allegations

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

(continued on next page)



3315 WEST TRUMAN BLVD., SUITE 212
P.O. BOX 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905



111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238



1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102-1047
FAX: 816-889-3582



106 ARTHUR STREET, SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

www.labor.mo.gov/mohumanrights

E-Mail: mchr@labor.mo.gov

RE: Blakley vs. Ford Motor Corp.
E-6/19-51082 28E-2019-01149

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of this complaint and MCHR has not completed its administrative processing.

In addition to the process described above, if any party is aggrieved by this decision of the MCHR, that party may appeal the decision by filing a petition under § 536.150 of the Revised Statutes of Missouri in state circuit court.

Respectfully,



Alisa Warren, Ph.D.
Executive Director

Ford Motor Corp.
Kansas City Assembly Plant
Claycomo, MO 64119

The Tourigny Law Firm, LLC
Attn: Mr. Greg N. Tourigny
4600 Madison Ave., Suite 810
Kansas City, Mo. 64111

3315 WEST TRUMAN BLVD., SUITE 212
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905

111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238

1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102-1047
FAX: 816-889-3582

106 ARTHUR STREET, SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff,

V.

FORD MOTOR COMPANY

Defendant.

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

COMES NOW, Sophie Woodworth, of HOLMAN SCHIAVONE, LLC, and hereby enters her appearance on behalf of plaintiff Gary Binkley in the above-captioned matter.

Respectfully submitted,

/s/ Sophie Woodworth

Sophie Woodworth, MO #49383

Holman Schiavone, LLC

4600 Madison Avenue, Suite 810

Kansas City, Missouri 64112

Phone: 816.283.8738

Fax: 816.283.8739

swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff,

V.

FORD MOTOR COMPANY

Defendant.

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

COMES NOW, Sophie Woodworth, of HOLMAN SCHIAVONE, LLC, and hereby enters her appearance on behalf of plaintiff Gary Binkley in the above-captioned matter.

Respectfully submitted,

/s/ Sophie Woodworth

Sophie Woodworth, MO #49383

Holman Schiavone, LLC

4600 Madison Avenue, Suite 810

Kansas City, Missouri 64112

Phone: 816.283.8738

Fax: 816.283.8739

swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

v

FORD MOTOR COMPANY

Defendant

Case No 20CY-CV06919

ORDER GRANTING PLAINTIFF'S APPLICATION FOR CHANGE OF JUDGE

NOW ON THIS 1st day of Sept, 2020, the Court takes up Plaintiff's Application for Change of Judge, filed August 31, 2020. The Motion is GRANTED. This case is hereby transferred to the Presiding Judge for reassignment.

IT IS SO ORDERED

September 1, 2020

DATE



Hon. Shane T. Alexander, Circuit Court Judge

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI
SEVENTH JUDICIAL CIRCUIT
at Liberty

GARY BINKLEY,

Plaintiff,

20CY-CV06919

FORD MOTOR COMPANY,

Defendants,

ORDER OF ASSIGNMENT

Now on this 2nd day of September, 2020, by Order of the
Acting Presiding Judge, and for further proceedings and disposition, said
cause is reassigned to

___Hon Janet Sutton, Circuit Judge, Division Two,

___Hon K Elizabeth Davis, Circuit Judge, Division Three,

X Hon David P Chamberlain, Circuit Judge, Division Four,

___Hon Alisha D O'Hara, Associate Circuit Judge, Division Five,

___Hon Karen L Krauser, Associate Circuit Judge, Division Six,

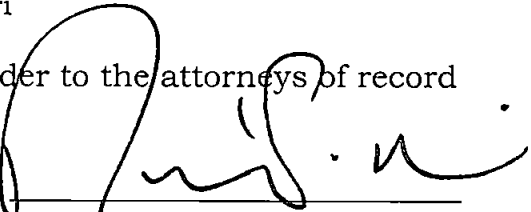
___Hon Louis Angles, Associate Circuit Judge, Division Seven,

___Hon Sherrill P Roberts, Family Court Commissioner, Division Eight,

___Hon Timothy J Flook, Associate Circuit Judge, Division Nine

___to be heard on the record and under the practices and procedures regularly
applicable before Circuit Judges, as set forth in Local Rule 6 4 1 of the 7th
Judicial Circuit for the State of Missouri

Clerk to send notice of said order to the attorneys of record



DAVID P. CHAMBERLAIN
Acting Presiding Judge

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

V.

FORD MOTOR COMPANY

Serve registered agent

The Corporation Company

120 South Central Ave

Clayton, MO 63105

Defendant

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER

Plaintiff by and through his undersigned counsel hereby moves for the appointment of Kathleen Langdon to serve Defendant Ford Motor Company. In support of this Motion, Plaintiff states that Kathleen Langdon has no interest in the above action, and is of legal age to perform this service.

Respectfully submitted,

The Tourigny Law Firm, LLC

/s/ Greg N. Tourigny

Greg N. Tourigny MO # 71210

4600 Madison Ave. Suite 810.

Kansas City MO

(816) 945-2861

greg@tourignylaw.com

and

Sophie Woodworth, MO #49383

Holman Schiavone, LLC

4600 Madison Avenue, Suite 810

Kansas City, Missouri 64112

Phone: 816.283.8738

Fax: 816.283.8739

swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

v.

FORD MOTOR COMPANY

Serve registered agent

The Corporation Company

120 South Central Ave

Clayton, MO 63105

Defendant

)
)
)
)
)
)
)
)
)
)

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and Kathleen Langdon is hereby appointed to serve Defendant Ford Motor Company in the above captioned matter.

Respectfully submitted,

The Tourigny Law Firm, LLC

/s/ Greg N. Tourigny

Greg N. Tourigny MO # 71210

4600 Madison Ave. Suite 810.

Kansas City MO

(816) 945-2861

greg@tourignylaw.com

and

Sophie Woodworth, MO #49383

Holman Schiavone, LLC

4600 Madison Avenue, Suite 810

Kansas City, Missouri 64112

Phone: 816.283.8738

Fax: 816.283.8739

swoodworth@hslawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

GARY BINKLEY

Plaintiff

V.

FORD MOTOR COMPANY

Serve registered agent

The Corporation Company

120 South Central Ave

Clayton, MO 63105

Defendant

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and Kathleen Langdon is hereby appointed to serve Defendant Ford Motor Company in the above captioned matter.

DATE _____

JUDGE OR CLERK OF THE COURT

Respectfully submitted,

The Tourigny Law Firm, LLC

/s/ Greg N. Tourigny

Greg N. Tourigny MO # 71210

4600 Madison Ave. Suite 810.

Kansas City MO

(816) 945-2861

greg@tourignylaw.com

and

Sophie Woodworth, MO #49383

Holman Schiavone, LLC

4600 Madison Avenue, Suite 810

Kansas City, Missouri 64112

Phone: 816.283.8738
Fax: 816.283.8739
swoodworth@hslawllc.com
ATTORNEYS FOR PLAINTIFF

GARY BINKLEY
Plaintiff

Case No: 20CY-CV06919

JURY TRIAL DEMANDED

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

Sept. 8, 2020

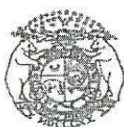
H. Swing
JUDGE OR CLERK OF THE COURT

The Tourigny Law Firm, LLC

and

Case 4:20-cv-00804-DGK Document 1-1 Filed 10/06/20 Page 26 of 28

Phone: 816.283.8738
Fax: 816.283.8739
swoodworth@hslawllc.com
ATTORNEYS FOR PLAINTIFF



IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

9/8

12:40

Judge or Division: SHANE TERRIL ALEXANDER	Case Number: 20CY-CV06919
Plaintiff/Petitioner: GARY BINKLEY	Plaintiff's/Petitioner's Attorney/Address GREG NORMAN TOURIGNY 4600 MADISON AVENUE SUITE 810 KANSAS CITY, MO 64112
Defendant/Respondent: FORD MOTOR COMPANY INC	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: FORD MOTOR COMPANY INC

Alias:

R/A THE CORPORATION COMPANY
120 S. CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF



CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/28/2020

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

Bonnie Love

(name)

Intake Specialist

(title).

☐ other

Served at 120 S. Central (address)

in County of St. Louis (County/City of St. Louis), MO, on 9-8-20 (date) at 12:40 pm (time).

CAROLYN BENT

Notary Public, State of Missouri

Commissioned for St. Louis County

My Commission Expires: November 21, 2021

Commission Number: 18097713

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on

Signature of Sheriff or Server

(date).

My commission expires:

Date

Notary Public

Sheriff's Fees

Summons \$

Non Est \$

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ (miles @ \$. per mile)

Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.